

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**CHRISTINE BENNETT,**

\*

**Plaintiff,**

\*

**v.**

\*

**CIVIL ACTION NO. 1:06cv723-MHT**

**ARMY FLEET SUPPORT, LLC,**

\*

**Defendant.**

\*

**DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant Army Fleet Support, LLC, incorrectly named in the Amended Complaint as "Army Fleet Support Services, LLC," pursuant to Rule 56 of the Federal Rules of Civil Procedure and moves the Court as follows:

(1) To enter summary judgment dismissing Count Two of Plaintiff's Amended Complaint (doc. no. 18), which alleges a violation of Rehabilitation Act of 1973, as last amended, on the grounds that the undisputed material facts of record show that as a matter of law, Defendant AFS is not a "recipient federal financial assistance" and, therefore, is not subject to that Act.

(2) To enter summary judgment dismissing Count Three of Plaintiff's Amended Complaint, which alleges a violation of Title VII of the Civil Rights Act of 1964, as amended, on the grounds that there is no genuine issue as to any material fact as to this Count and AFS is entitled to judgment in its favor as a matter of law.

(3) This Motion is based upon the pleadings, the evidentiary material submitted herewith, and Defendant AFS's contemporaneously filed Memorandum of Law in Support of this Motion.

Respectfully submitted this 15<sup>th</sup> day of June, 2007.

ARMBRECHT JACKSON LLP  
Post Office Box 290  
Mobile, Alabama 36601  
Phone: (251) 405-1302  
Facsimile: (251) 432-6843

By /s/ Kirk C. Shaw (SHAW0466)

Attorney for Army Fleet Support LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on June 15, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filings to the following:

Jon C. Goldfarb (jgoldfarb@wcqp.com)  
WIGGINS, CHILDS, QUINN & PANTAZIS P.C.  
The Kress Building  
301 19<sup>th</sup> Street North  
Birmingham, Alabama 35203

Ethan R. Dettling (edettling@wcqp.com)  
WIGGINS, CHILDS, QUINN & PANTAZIS P.C.  
The Kress Building  
301 19<sup>th</sup> Street North  
Birmingham, Alabama 35203

/s/ Kirk C. Shaw (SHAWK0466)

